

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 10-21 are pending in the present application, Claims 10, 16, and 19 having been amended. Support for the amendments to Claims 10 and 16 is found, for example, in the original claims and the substitute specification at page 6, lines 10-19. Claim 19 is amended corrects a minor informality. Thus, no new matter is added.

In the outstanding Office Action, Claims 10-21 were rejected under 35 U.S.C. §102(b) as anticipated by Giovannoli (U.S. Patent No. 5,842,178).

With respect to the rejection of Claim 10 as anticipated by Giovannoli, Applicants respectfully submit that the amendment to Claim 10 overcomes the outstanding rejection.

Amended Claim 1 recites,

A computer-implemented electronic bid method by a service provider, comprising:

registering, through a network, a user as a buyer and merchandise items/services that the buyer wants to buy in a first database;

registering, through the network, a user as a seller and merchandise items/services that the seller is offering to sell in a second database;

categorizing a plurality of buyers from the first database into groups based upon the merchandise items/services the plurality of buyers want to buy;

selecting sellers from the second database who are offering to sell the merchandise items/services used to form the group of the plurality of buyers and providing potential buyer information to the selected sellers, the potential buyer information including a number of buyers in the group of the plurality of buyers; and

receiving selling information including a selling price of the merchandise items/services to offer from at least one of the selected sellers and providing the selling information to each buyer in the group of the plurality of buyers,

wherein the seller determines the selling price of the merchandise items/services based upon the potential buyer information provided to the seller.

Giovannoli does not teach or suggest all the elements of amended Claim 1.

According to Giovannoli, a buyers request for a quotation is received over a communication network. The buyer may select filter conditions that determine the class of vendors that receive the buyer's request for a quotation. Selected vendors receive the buyer's request for a quotation over the communication network. The selected vendors communicate their quotations either directly to the buyer or to the computerized system which in turn makes available or transmits the received quotations to the requesting buyer. The vendors receive requests for quotations from buyers individually (i.e. one at a time).

Giovannoli does not describe or suggest "categorizing a plurality of buyers from the first database into groups based upon the merchandise items/services the plurality of buyers want to buy." Giovannoli has no need to categorize a plurality of buyers into groups based upon the merchandize items/services the buyers want to buy because the quotation system only deals with a buyer on an individual basis and does not deal with buyers in a group.

In addition, Giovannoli does not describe or suggest "selecting sellers from the second database who are offering to sell the merchandise items/services used to form the group of the plurality of buyers." In Giovannoli, a vendor is selected for an individual buyer based upon the product the individual buyer wants to purchase, and the filter requirements of the buyer, vendor, and the quotation system.¹

Furthermore, since the vendors in the system described by Giovannoli receive individual requests for a quotation, the vendors are not provided with "potential buyer information including a number of buyers in the group of the plurality of buyers." In the

¹ Giovannoli, Fig. 2A.

system described by Giovannoli, there are no groups. In Giovannoli, after receiving a request from a buyer, the selected vendors are provided with the contact information of the buyer. However, in the claimed invention, sellers are provided with general information such as a number of potential buyers, and not the identity of the buyers. As shown in Fig. 7 of Giovannoli, the buyer's data packet does not include potential buyer information including a number of buyers in the group of the plurality of buyers.

Finally, Giovannoli does not describe or suggest "the seller determines the selling price of the merchandise items/services based upon the potential buyer information provided to the seller." As discussed above, the sellers in Giovannoli do not receive potential buyer information that includes a number of buyers in the group of the plurality of buyers. In the system described by Giovannoli, because the vendors receive requests for a quotation from individual buyers (and not a group of a plurality of buyers), the vendors cannot know a trend of buyer practices or buyer preferences in advance of responding to the request for quotation. In Giovannoli, the pricing information may be determined by the vendors beforehand, and buyer information is supplied to the selected vendors to meet inventory and buyer requested pricing. Thus, vendors in the system described by Giovannoli must respond to all individual buyer requests via the quotation system (i.e. email) rather than responding to a group of a plurality of potential buyers.

The claimed invention has an advantage not available in the system described in Giovannoli. In claimed invention, the sellers may determine pricing information based on the potential buyer information, which includes the number of buyers in the group. Thus, if the number of potential buyers for a group is very small, the seller can reduce the price because the group of potential buyers is not very interested in the product. However, if the number of potential buyers for a group is large (i.e. the product is popular among buyers), the seller can

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raise the price based on the number of potential buyers in a situation where the number of products is limited.

In view of the above-noted distinctions, Applicant respectfully submits that amended Claim 10 (and Claims 11-15) patentably distinguish over Giovannoli. In addition, amended Claim 16 is similar to amended Claim 10. Thus, Applicant respectfully submits that amended Claim 16 (and Claims 17-21) patentably distinguish over Giovannoli for at least the reasons stated for Claim 10.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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